

**Town of La Pointe Zoning
Town Plan Commission Special Meeting Minutes
February 27, 2012**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Joan Martin, Greg Thury, Larry Whalen (6).

Town Plan Commission Members Absent: Carey Baxter (1).

Public Present: Paul Brummer, Mike Starck, Lois Carlson, Todd Carlson, Zach Montagne, Michaela Montagne, Greg Nelson, Charles Meech, Ed Kale, Ham Ross (10).

Town Staff Members Present: Jen Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (1).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:30 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Lois Carlson reads aloud a letter she has submitted (attached to these minutes and part of the permanent record). She states her support for the Madeline Island School of the Arts and presents facts that she feel illustrate why the complaints are invalid.

Paul Brummer states that he supports the Town Plan Commission's recent findings and recommendations to the Town Board regarding Craftivity, Inc.'s application to amend its Conditional Use Permit. He also asks the Zoning Administrator when would be a convenient time to come in to the Zoning office to submit a public information request.

S. Soucek thanks the Zoning Administrator for preparing the packet of background information to aid the Commissioners in their interpretation.

Ed Kale feels that the Town Plan Commission has overstepped its authority in the past, and that it should be careful not to do so again now.

III. Old Business

a. Paul Brummer Complaint dated August 30, 2011 re: Craftivity, Inc. Conditional Use Permit and alleged wedding reception/parking violations at 978 Middle Road parcel #014-00178-0200

The Zoning Administrator states that she doesn't have authority to decide Conditional Use Permits. She's given the Town Plan Commission background information and audio about the history of the property- the past and present Conditional Use Permits, lawsuits, amendments, complaints, Town meetings, Public Hearings, and recorded meetings (held with Zach Montagne, Charles Meech, and Paul Brummer, all of which were recorded with the permission of those interviewed). Her intent bringing this to the Town Plan Commission is that the language of the Conditional Use Permit is conflicting and vague, and she needs help with interpreting the Conditional Use Permit in order to enforce it.

C. Brummer states that the 2004 Conditional Use Permit is much clearer than the 2008 Conditional Use Permit regarding events and functions at the site.

Chair Pallas notes that there was a specific clause in the 2004 Conditional Use Permit focusing on events not related to MISA held at the site.

Alleged Parking Violations

Chair Pallas: Mr. Meech says on the audio recording that he has parking for about a thousand cars at the property and that the couple of people who parked on the road did it of their own free will, not out of necessity.

C. Brummer feels that every effort should have been made to enforce off-street parking.

Chair Pallas states that on the audio recording that Mr. Meech tried to get a certain individual to move his car off the road but that person refused.

J. Martin feels that this aspect of the complaint is a non-issue.

L. Whalen notes that the Conditional Use Permit requires that parking be provided, not that proper parking be enforced.

Chair Pallas moves that the Town Plan Commission finds that Mr. Meech did provide off-street parking. The Town Plan Commission decides that this is not a violation. S. Soucek seconds. 5 aye, 1 abstain (C. Brummer). Motion carries.

Alleged Wedding Reception

The Zoning Administrator states that she held three meetings, one each with Charles Meech (agent for the owner of Craftivity, Inc.), Zach Montagne (the artist featured at the sculpture exhibition), and Paul Brummer (the complainant). She states that Paul Brummer didn't provide first-hand information about the event, nor did he have a count of how many cars were actually parked on County H. Z. Montagne submitted the invitation as evidence. She further states that Mr. Meech confirmed the language of the complaint: that a wedding reception was held on the premises, along with a fundraising event and an artist's reception. She then asks the Town Plan Commission whether the event was a violation even if Mr. Meech said that there was a reception held at the property.

G. Thury states that in the audio recording of Mr. Montagne's meeting, he stated that holding the three events together was a convenience, killing two birds with one stone.

Chair Pallas feels that the Conditional Use Permit is very vague and that the Town Plan Commission need to say whether a wedding reception is a permitted use. He reads from attorney O'Connor's (MISA's attorney) email that states that MISA will abide by their current Conditional Use Permit and not host events which don't benefit/directly relate to the School.

The Zoning Administrator states that the Town Board just approved the MISA Conditional Use Permit amendment application, so she asked Mr. Meech about changing language to allow for non-school related functions at the site, but they didn't want to. Beth Fischlowitz wanted a proviso added to the Conditional Use Permit amendment specifying that no more amendments would be permitted. Greg Nelson just wanted a proviso that no further structures be permitted at the site beyond what has already been permitted. The Zoning Administrator states that she brings up the Town Board meeting because the provisos required by the Town Board imply that MISA could apply for amendments to their Conditional Use Permit in the future regarding functions held at the site.

Greg Nelson confirms that the Town Board did specify that no more buildings were to be permitted at the site, although further amendments would be allowed so long as they weren't for structures.

S. Soucek states that the main issue back in '08 was that the Town Plan Commission at the time felt that artists and teachers had the right to sell their works at the School, and so the rewording of the Conditional Use Permit focused on making that permissible. She feels that the Town Plan Commission didn't think through the implications of the wording thoroughly at the time.

S. Soucek feels that the way the invitation for function was worded and handled makes the event legally a dedication and therefore the complaint isn't valid.

Chair Pallas moves that the Town Plan Commission finds that weddings and wedding receptions are not a permitted use of the property holding a Conditional Use Permit for an Art School at parcel number 014-00178-0200 and the activities go against Article 5.A; and also according to Attorney O'Connor's email of January 18th. S. Soucek seconds. All in favor, 5 aye, 1 abstain (C. Brummer). Motion carries.

IV. Future Agenda Items

V. Schedule Future Meetings

- Town Plan Commission Special Monthly Meeting to be held Thursday, March 15, 2012, at 4:30 pm.

VI. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 5:15 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Saturday, March 03, 2012.

2nd draft minutes submitted on Thursday, March 15, 2012 by M. Kusch, ZCA.

2nd Draft Town Plan Commission minutes approved as submitted on Thursday, April 05, 2012.